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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 EDWARD ALVARADO, et al.,

No. C 04-0098 SI

9 Plaintiffs,

**ORDER UNSEALING DOCUMENTS
RELATED TO DEFENDANT'S MOTION
FOR SANCTIONS**

10 v.

11 FEDERAL EXPRESS CORPORATION,

12 Defendant.
13 _____/

14 By order filed August 8, 2007, the Court directed the parties to show cause why documents
15 related to defendant's motion for sanctions should not be unsealed. Defendant's response concedes that
16 the documents do not fall within any of the categories of documents specified by the Local Rules as
17 appropriate for sealing. However, defendant requests that the documents remain sealed because
18 plaintiffs' counsel, Mr. McCoy, has threatened to file a lawsuit regarding allegedly defamatory
19 statements contained in the motion for sanctions and related administrative motions.

20 Plaintiffs' response asserts that the documents at issue should remain sealed because they are
21 "otherwise entitled to protection under the law." Although the asserted legal basis for such protection
22 is unclear, plaintiff contends that the documents are "libelous," and should remain sealed to protect Mr.
23 McCoy from embarrassment.

24 The Court finds that parties have failed to demonstrate that the documents should remain sealed,
25 and accordingly UNSEALS the documents related to defendant's motion for sanctions (Docket Nos.
26 817, 837, 867-869, 885 and 908). Neither party has shown that the documents are privileged or
27 otherwise entitled to protection under the law as required by Civil Local Rule 79-5. The reasons
28 asserted by the parties – protection against embarrassment and a fear of being sued – do not outweigh

1 the public's interest in these proceedings and the general presumption in favor of public access to court
2 files. Further, the Court is skeptical that the documents at issue could give rise to a defamation lawsuit;
3 in the Court's view such a lawsuit would be frivolous due to, *inter alia*, the litigation privilege.

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5 **IT IS SO ORDERED.**

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7 Dated: September 10, 2007



SUSAN ILLSTON
United States District Judge